

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CUBIST PHARMACEUTICALS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-367 (GMS)
)	(CONSOLIDATED)
HOSPIRA, INC.,)	
)	
Defendant.)	

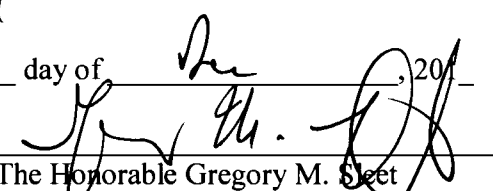
[PROPOSED] JUDGMENT

For the reasons set forth in the December 8, 2014 Memorandum Opinion (D.I. 135), the Court hereby enters judgment in this matter as follows:

1. The Certificate of Correction issued for the RE'071 Patent is not invalid;
2. Claims 16, 17, 34, and 35 of the '967 Patent, claims 51 and 52 of the '689 Patent, claims 91, 98, and 187 of the '238 Patent, claims 23 and 53 of the '342 Patent, and claims 18 and 26 of the RE'071 Patent (collectively, the "Asserted Claims") are not invalid due to lack of written description;
3. The Asserted Claims of the RE'071 Patent are not invalid due to improper recapture;
4. The Asserted Claims of the '967 Patent and claim 98 of the '238 Patent are invalid due to anticipation;
5. The Asserted Claims of the '967, '689, '238 and '342 Patents are invalid due to obviousness;
6. Hospira's proposed products infringe the Asserted Claims of the patents-in-suit;
7. The parties' Rule 52(c) motions (D.I. 126-28) are GRANTED IN PART AND DENIED IN PART;

8. Pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any Food and Drug Administration final approval of Hospira's ANDA No. 201275 and NDA No. 203797 shall be a date which is not earlier than the date of the expiration of the RE'071 patent, and any applicable extensions or exclusivities for the RE'071 patent; and

9. Judgment is hereby entered in favor of Cubist and against Hospira on Cubist's claim of infringement of claims 18 and 26 of the RE'071 patent, and in favor of Hospira and against Cubist on Cubist's claim of infringement of claims 16, 17, 34, and 35 of the '967 patent; claims 51 and 52 of the '689 patent; claims 91, 98, and 187 of the '238 patent; and claims 23 and 53 of the '342 patent.

SO ORDERED this 18th day of Dec, 2014

The Honorable Gregory M. Sleet
United States District Judge